

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 92-551-C - ORDER NO. 93-185

FEBRUARY 22, 1993

IN RE: Application of Cellular Express, Inc.)	ORDER
for Authority to Operate as a Reseller)	GRANTING
of Telecommunications Services within)	CERTIFICATE OF
the State of South Carolina.)	PUBLIC
)	CONVENIENCE AND
)	NECESSITY

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Cellular Express, Inc. (Cellular Express or the Company) on October 5, 1992, seeking a Certificate of Public Convenience and Necessity to operate as a reseller of telecommunications service within the State of South Carolina.

The Company is primarily focused on the provision of "Roamer Plus" Service. Roamer Plus is a service offered in conjunction with authorized local cellular system operators. The service is offered to cellular telephone users that are traveling within an area where they are not covered by an automatic roaming agreement. The purpose of the proposed service is to enable such non-automatic roamers to be able to complete calls, using their own mobile telephones, when they would otherwise be unable to do so within the State of South Carolina. The provision of this service is limited by the ability of Cellular Express to contract

for interconnection with cellular carriers authorized to provide Domestic Cellular Radio Telephone Service in Cellular Geographic Service Areas within South Carolina. Cellular Express contracts with a local cellular system operators to enable the provision of roamer services to users which the local cellular carriers cannot or do not otherwise serve.

On October 21, 1992, the Commission's Executive Director instructed the Company the cause to be published a prepared Notice of Filing and Hearing, one time, in newspapers of general circulation, in the affected areas. The Notice of Filing and Hearing indicated the nature of Cellular Express' Application and advised all interested parties desiring to participate in the scheduled proceeding of the manner and time in which to file the appropriate pleadings. Cellular Express furnished affidavits demonstrating that the Notice of Filing and Hearing had been duly published in accordance with the instructions of the Executive Director.

Intervenors in the case were Southern Bell Telephone & Telegraph Company; Greenville Cellular Telephone Company; Anderson CellTelCo; Columbia Cellular Telephone Company, Metro Mobile CTS of Cherokee, Inc. Inc.; Metro Mobile CTS of Lancaster, Inc.; and the Consumer Advocate for the State of South Carolina. On January 13, 1993, this Commission, through Order No. 93-11 granted the cellular companies' Motion for a Pre-Hearing Conference. The Conference was held on January 19, 1993.

All Intervenors except the Consumer Advocate for the State of

South Carolina now move to withdraw their Petition. The Consumer for the State of South Carolina has written and stated that, after investigation and based on his review of the filing, the Consumer Advocate will not participate in any hearing scheduled in this matter. The Commission hereby grants the motions to withdraw intervention and adopts the sworn testimony of Paul J. Tobin as the hearing in this matter. Tobin, President of Cellular Express stated that Cellular Express, Inc. is a Massachusetts corporation and was established in 1991. Again, Tobin states that the purpose of the Company's Application before this Commission is to enable non-automatic roamers to be able to complete cellular calls, using their own mobile telephones, when they would otherwise be unable to do so. Cellular Express contracts with local cellular system operators to enable the provision of cellular services to users, which the cellular carriers can not or do not otherwise serve. Tobin states that when a call is made, the local Mobile Telephone Switching Office (MTSO) recognizes the calling mobile unit as one that is not its automatic roamer data base. The call is automatically directed to a trunk connecting the roamer with a Roamer Plus Operations Center located in Boston, Massachusetts. This Center indicates to the roamer that it has been connected to Roamer Plus for the completion of the call. The roamer is asked to indicate the area code and number that it has dialed and receives information that, as an unregistered roamer, it may call collect, use a credit card, or use a telephone calling card to pay for the call. Rates for the call are quoted on request and

without charge. At this point, the roamer may either remain on the call, and provide billing information and the called number, or it may terminate the call with no charges. If the roamer wishes to complete the call, the desired billing information is provided by the caller, and the call is routed from the Roamer Plus Operations Center to the called number, typically over the public switched network. This call completion may be to a number that is local, intrastate interexchange, or interstate relative to the calling location of the roamer. Unlike standard cellular telephone calls made by the user, the Roamer Plus calls will not be billed to the roamer by its home cellular carrier. Rather, the calls will be billed by Cellular Express in accordance with the method selected by the roamer, that is, collect, LEC billing, credit card, etc.

Cellular Express, Inc. has submitted a revised tariff with the testimony of Tobin, which shows that the Company has applied for authority to transact business in the State of South Carolina.

An examination of the Company's financial status shows that the provision of service within South Carolina will not entail a significant additional investment by the Company, since the Company already has its operations center at principal facilities and service arrangements in place. It appears, according to the testimony of Tobin, that the emphasis of Cellular Express is to inform the user of its options, and to allow the user to elect not to use the service without incurring charges. At the beginning of every call that is routed to the Roamer Plus Operations Center,

Cellular Express identifies itself as the entity handling the call. It also advises the user of its billing options and informs the user of the rates for the call. If the user elects not to use the service after receiving that information, the user may terminate the call and incur no charges. When the user receives its bill for the charges, the invoice will indicate that the charges are from Cellular Express and will provide a phone number, so that the user can identify the call as one made through the use of Roamer Plus, and can address any inquiries or complaints concerning the charges for the service.

Based on the information contained in Cellular Express' Application, later submissions, and evidence of the whole record before the Commission, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. Cellular Express is a reseller of telecommunications services.
2. Cellular Express is incorporated under the laws of the State of Massachusetts and has applied for a Certificate from the Secretary of State to do business in South Carolina.
3. Cellular Express has the financial resources to provide adequate telecommunications services to consumers in South Carolina.
4. Cellular Express wishes to provide an unusual service within the State, one which the Commission feels that would be reasonable and useful to provide.

5. Cellular Express, through mutually agreed upon contractual arrangements with local cellular carriers providing authorized Domestic Cellular Radio Telecommunications Service in Cellular Geographic Service Areas within South Carolina, will enable non-affiliated (unregistered) roamers to complete intrastate calls originated over their cellular telephones, when they would otherwise not be able to complete such calls over the local cellular carrier.

6. The Company herein shows itself to be fit, willing, and able to provide the resale of telecommunications services limited to non-affiliated roamers within the State of South Carolina, and therefore, it should be granted a Certificate of Public Convenience and Necessity to provide this service.

7. The rates structure as submitted by Cellular Express in its revised tariff is hereby approved as its maximum rates as well as its revised tariff. The Company shall incorporate provisions for filing rate changes and publication of notice of such changes two (2) weeks prior to the effective date of such changes, and affidavits of publication must be filed with the Commission. Any proposed increase in the proposed charge reflected in the tariffs of the Company would constitute a general ratemaking proceeding which would be treated in accordance with the Notice and Hearing provisions of S.C. Code Ann., §58-9-540 (Cum. Supp. 1992).

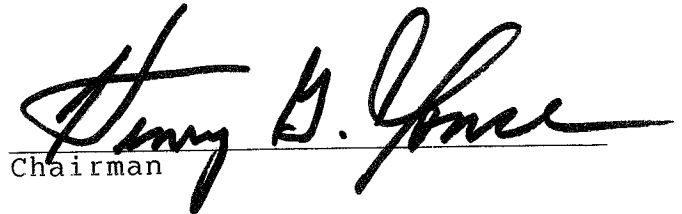
8. The Company should file its Certificate from the South Carolina Secretary of State allowing it to do business in South Carolina.

9. Cellular Express shall file its revised tariff in a loose leaf binder to reflect the Commission's findings within thirty (30) days of the date of this Order.

10. Cellular Express shall file surveillance reports on a calendar or fiscal year basis with the Commission. The proper form for these reports is indicated on Attachment A.

11. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

DOCKET NO. 92-551-C - ORDER NO. 93-185
FEBRUARY 22, 1993
ATTACHMENT A

ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS
FOR RESELLERS OF TELECOMMUNICATION SERVICE

(1) SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.

(2) SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.

(3) RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS* FOR 12 MONTHS
ENDING DECEMBER 31 OR FISCAL YEAR ENDING _____.

*THIS WOULD INCLUDE GROSS PLANT, ACCUMULATED DEPRECIATION,
MATERIALS AND SUPPLIES, CASH WORKING CAPITAL, CONSTRUCTION WORK IN
PROGRESS, ACCUMULATED DEFERRED INCOME TAX, CONTRIBUTIONS IN AID OF
CONSTRUCTION AND CUSTOMER DEPOSITS.

(4) PARENT'S CAPITAL STRUCTURE* AT DECEMBER 31 OR FISCAL YEAR ENDING
_____.

*THIS WOULD INCLUDE ALL LONG TERM DEBT (NOT THE CURRENT PORTION
PAYABLE), PREFERRED STOCK AND COMMON EQUITY.

(5) PARENT'S EMBEDDED COST PERCENTAGE (%) FOR LONG TERM DEBT AND
EMBEDDED COST PERCENTAGE (%) FOR PREFERRED STOCK AT YEAR ENDING
DECEMBER 31 OR FISCAL YEAR ENDING _____.

(6) ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE
AMOUNT OF EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS WELL
AS METHOD OF ALLOCATION OF COMPANY'S RATE BASE INVESTMENT (SEE #3
ABOVE).